

STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection (DATCP)

Rule No.: Chs. ATCP 20, 21, 29, 30, 33, 35, 40, 42, 49, 50, 71, 90, 91, 92, 94, 105, 123, 127 and 161

Relating to: Seed Labeling and Sale; Plant Inspection and Pest Control, Pesticide Use and Control; Pesticide Product Restrictions; Fertilizer and Pesticide Bulk Storage; Agricultural Chemical Cleanup Program; Fertilizer and Related Products; Commercial Feed; Farmland Preservation; Soil and Water Resource Management Program; Food Warehouses and Bulk Milk Distributors; Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights & Measures; Petroleum and Other Liquid Fuel Products; Sales Below Cost; Electronic Communication Services; Direct Marketing; Agricultural Development and Market Promotion

Rule Type: *Permanent*

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

This proposed rule will make technical changes (Non-substantive or minor substantive changes) to a number of administrative code chapters administered by DATCP. This rule may make the following technical changes to current rules:

- Update technical standards incorporated by reference in current rules (new editions of technical references cited in current rules).
- Correct erroneous and obsolete citations and cross-references.
- Correct typographical errors.
- Make non-substantive organizational and drafting changes.
- Make other minor changes to current rules to incorporate new statutory language.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

93.07 Department duties

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

(12) PLANT PESTS. To conduct surveys and inspections for the detection and control of pests injurious to plants, make, modify, and enforce reasonable rules needed to prevent the dissemination of pests, declare and manage emergencies relating to the detection and control of pests injurious to plants, provided that such declaration does not supersede the authority of the chief state forester under s. 23.114 or the department of natural resources under s. 26.30, and suggest methods of control.

(24) ENFORCEMENT OF LAWS. To enforce chs. 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

(a) To enforce the laws regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product.

(b) To enforce the laws regarding the adulteration or misbranding of any articles of food, drink, condiment or drug.

(c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which it may suspect or have reason to believe to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful.

(d) To prosecute or cause to be prosecuted any person engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any adulterated dairy product or of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles of food, drink, condiment or drug.

94.45 Seed Sales. (6) The department shall promulgate rules that establish and enforce the standards for labeling, distribution, sampling, inspecting, analyzing, testing, examination and sale of agricultural seed and vegetable seed.

97.09 Rules. (4) The department may, by rule, establish and enforce standards governing the production, processing, packaging, labeling, transportation, storage, handling, display, sale, including retail sale, and distribution of foods that are needed to protect the public from the sale of adulterated or misbranded foods.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that it will use approximately 0.20 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. The department will use existing staff to develop this rule.

6. List with description of all entities that may be affected by the proposed rule:

The proposed technical changes to current rules will not have any impact on persons covered by those rules. There will be no adverse impact on business or local government.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Not applicable.


8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None.

Contact Person: Kelly Monaghan, Legal Assistant, (608) 224-5023.



Department Head or Authorized Signature



Date Submitted